

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CDK GLOBAL, LLC, as successor-in-interest
to ADP DEALER SERVICES, INC.,

Plaintiff,

-against-

TULLEY AUTOMOTIVE GROUP, INC. and
JOHN DOE CORPORATIONS 1-5,

Defendants.

Action pending in the United States
District Court for the District of New
Jersey (15-cv-03103)

TULLEY AUTOMOTIVE GROUP, INC.,

Movant,

-against-

PERFORMANCE CHEVROLET, INC.,

Respondent.

17-mc-_____

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and the supporting declaration of Carmine J. Castellano, executed January 31, 2017, with exhibits thereto, Tulley Automotive Group, Inc. (“Tulley”) will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York on February 21, 2017 at 11:00 a.m. for an order (a) pursuant to Federal Rules of Civil Procedure 37 and 45, compelling Performance Chevrolet, Inc. (“Respondent”) to produce documents and information responsive to the document request set forth in the subpoena *duces tecum* issued to it (the “Subpoena”) in connection with litigation pending in the United States District Court for the District of New Jersey (15-cv-01303), or, in the alternative, (b) transferring Tulley’s motion to compel to

Magistrate Judge James B. Clark, III in the above-captioned action in the United States District Court for the District of New Jersey, pursuant to Federal Rule of Civil Procedure 45(f), and (c) granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rules 5.3 and 6.1(a), opposition papers to this motion are required to be served upon the undersigned on or before February 13, 2017.

Dated: New York, New York
February 1, 2017

HODGSON RUSS LLP

By: /s/ Carmine J. Castellano
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